

Appl. No. 09/954,656  
Amendment and/or Response  
Reply to Office action of 30 June 2003

Page 5 of 6

REMARKS / DISCUSSION OF ISSUES

Claims 1-9 are pending in the application.

The applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

Claims 5, 6, and 8 are amended for non-statutory reasons: to rewrite claims 5 and 8 in independent form, including all limitations of their parent claim, and to amend claim 6 to be dependent upon claim 5, with identical limitations as in the original. The claims are not narrowed in scope and no new matter is added.

The Office action indicates that claims 5, 6, and 8 would be allowable if rewritten in independent form, including all limitations of their parent claims. The claims are correspondingly amended herein.

The Office action rejects claims 1 and 9 under 35 U.S.C. 102(b) over Shon (EP0641006). The applicants respectfully traverse this rejection.

Claims 1 and 9 each recite a cathode coating comprising first *and second* grain size distributions of an oxide from the group of scandium, yttrium, and lanthanoids.

Shon does not refer to a grain size of oxides, and thus cannot be said to teach the use of two different grain size distributions of oxides to form a cathode coating.

Because Shon does not teach a cathode coating comprising a first and second grain size distribution of an oxide, the applicants respectfully request the Examiner's reconsideration of the rejection of claims 1 and 9 under 35 U.S.C. 102(b) over Shon.

The Office action rejects claim 1 under 35 U.S.C. 102(e) over Saito et al. (USP 6,124,666, hereinafter Saito). The applicants respectfully traverse this rejection.

Claim 1 specifically recites a cathode coating comprising first *and second* grain size distributions of an oxide from the group of scandium, yttrium, and lanthanoids.

Saito does not refer to a grain size of oxides, and thus cannot be said to teach the use of two different grain size distributions of oxides to form a cathode coating.

Appl. No. 09/954,656  
Amendment and/or Response  
Reply to Office action of 30 June 2003

Page 6 of 6

Because Saito does not teach a cathode coating comprising a first and second grain size distribution of an oxide, the applicants respectfully request the Examiner's reconsideration of the rejection of claim 1 under 35 U.S.C. 102(b) over Saito.

The Office action rejects claims 2, 3, and 7 under 35 U.S.C. 103(a) over Shon, and claim 4 under 35 U.S.C. 103(a) over Saito. The applicants respectfully traverse this rejection based on the remarks above regarding Shon and Saito and claim 1, upon which each of these rejected claims depend.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Robert M. McDermott, Attorney  
Registration Number 41,508  
patents@lawyer.com

1824 Federal Farm Road  
Montross, VA 22520  
Phone: 804-493-0707  
Fax: 215-243-7525

RECEIVED  
CENTRAL FAX CENTER

OCT 01 2003

OFFICIAL

DE000145 Amendment

Atty. Docket No. DE 00.0145